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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,105	10/04/2000	Glenn Reid	004860.P2471	8214

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EXAMINER
CHUONG, TRUC T

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/680,105	REID, GLENN
	Examiner	**Art Unit**	
	Truc T Chuong	2179	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 May 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-73, and 75-84_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-73, and 75-84_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to Amendment C, filed 05/27/04.

2.   Claims 1-73 and 75-84 are pending in this application. Claims 1, 11, 20, 28, 37, 42, 47,

52, 57, 61, 65, 69, 73, 76, 79, and 82 are independent claims. In Amendment C, claims 1, 11, 20,

28, 37, 42, 47, 52, 73, 76, 77, 79, and 82-83 are amended, and claim 74 is cancelled. This action

is made final.

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior office action.

Claim Rejections - 35 USC § 102

4.   Claims 1-73 and 75-84 are rejected under 35 U.S.C. 102(b) as being anticipated by

Klingler et al. (U.S. Patent No. 5,404,316).

As to claim 20, Klingler teaches a processing system for collecting a time based stream of

information to generate a presentation comprising:

(i) means for communicating with an information source having a time based

stream of information (e.g., col. 2 lines 51-65);

(ii) means for presenting capture information from the time based stream of

information on a portion of the display device, while the capture information is acquired

from the information source in a capture mode, the capture mode to import the time based

stream of information into the system (a selected clip can be copied/cut and pasted with

its time line and other information of that clip, col. 2 lines 42-65, col. 3 lines 45-49, col. 7

lines 10-14; Editing a media (sound, video or both) with its timeline of the current

selection from the current movie and places it in the clipboard, "Copy" which places a

duplicate of the selected media into the clipboard, "Paste" which places media from the

clipboard into a movie at the current location of the cursor, col. 10 lines 24-43, and figs.

3-5, 6, 8-9, and 16);

      (iii) means for presenting process information for constructing the presentation on

the display device (e.g., col. 4 lines 62-68, Edit, col. 10 lines 24-43); and

      (iv) means for presenting at least one enabled control element (enable, e.g., col. 4

lines 59-67).

As to claim 21, Klingler teaches the system further including a means for capturing the

time based stream of information from the information source (e.g., col. 5 lines 10-15, col. 10

lines 24-43, and figs. 3-5).

As to claim 22, Klingler teaches the system of claim 21, wherein the means for capturing

is by executing an interrupt procedure (Edit, col. 10 lines 24-52).

As to claim 23, Klingler teaches the system of claim 22 wherein the interrupt procedure

iterates at the same or substantially the same rate as the transfer rate of the time based stream of

information from the information source because Klingler's system contains "Set Duration"

(e.g., col. 10 line 64-68) to provide playback features with different speed (e.g., col. 11 lines 1-

4).

As to claim 24, Klingler teaches the system of claim 20, wherein at least one of the

enabled control elements is to edit the information (Edit, col. 10 lines 24-52).

As to claim 25, Klingler teaches the system of claim 20, wherein at least one of the enabled control elements is to perform side operations (e.g., col. 3 lines 55-59).

As to claim 26, Klingler teaches the system of claim 20, further including a means for presenting an edit output on the same portion of the display for presenting the capture information (movie, e.g., col. 53-63, and fig. 16).

As to claim 27, Klingler teaches the system of claim 20, wherein the presenting of capture information is automatic in response to the communicating with the information source (automatically created, col. 5 lines 46-63, and Edit, col. 10 lines 24-52).

As to claims 1-6 and 9-10, these are method claims of system claims 10-27. Note the rejections of claims 20-27 above respectively.

As to claim 7, it is individually similar in scope to claim 5; therefore, rejected under similar rationale.

As to claims 11-19, these are system claims of method claims 1-7 and 9-10. Note the rejections of claims 1-7 and 9-10 above respectively.

As to claim 8, this is a method claim of system claim 17. Note the rejection of claim 17 above.

As to claims 28-33 and 35-36, these are program product claims of system claims 20-27. Note the rejections of claims 20-27 above respectively.

As to claim 34, it is a program product claim of system claim 23, and it is individually similar in scope to claim 23; therefore, rejected under similar rationale.

As to claim 38, this is a method claim of system claim 27. Note the rejection of claim 27 above.

As to claims 40 and 41, these are method claims of system claims 21 and 23. Note the rejections of claims 21 and 23 above.

As to claim 42, Klingler teaches a processing system for generating a presentation of a time based stream of information, the system comprising:

A) a capture port for acquiring the time based stream of information (Editing environment and Time line view, col. 2 lines 42-67, col. 3 lines 1-49, col. 10 lines 24-43, figs. 3-5);

B) a display device (figs. 3-4); and

C) a processor coupled to the capture port and to the display device, the processor configured to:

i) detect an information source having a time based stream of information in communication with the processing system (e.g., col. 3 lines 37-49 and figs. 8-10), and

ii) automatically present capture information from the time based stream of information on a display in response to detecting (the operation generates a revised output, this output can be automatically supplied wherever required as a new input and those operations utilizing the new input can be similarly reprocessed, col. 5 lines 55-61), while the capture information is acquired from the information source in a capture mode, the capture mode to import the time based stream of information into the system (automatically created, col. 5 lines 46-63; a selected clip can be copied/cut and pasted with its time line and other information of that clip, col. 2 lines 42-65, col. 3 lines 45-49; Editing a media (sound, video or both) with its timeline of the current selection from the current movie and places it in the clipboard, "Copy" which places a duplicate of the

selected media into the clipboard, "Paste" which places media from the clipboard into a movie at the current location of the cursor, col. 10 lines 24-43, and fig. 16).

As to claim 37, it is similar in scope to claim 42 above; therefore, rejected under similar rationale.

As to claim 39, Klingler teaches the method of claim 37, wherein the detecting is by receiving a signal from the information source through a capture port on the processing system, and wherein the automatically presenting comprises opening a window on the display device (process information and scene information, col. 3 lines 26-36 and figs. 3-4, 7, 9, and 10-11).

As to claims 43-44, they are system claims of method claims 38-39. Note the rejections of claims 38-39 above respectively.

As to claim 45, it is individually similar in scope to claim 21; therefore, rejected under similar rationale.

As to claim 46, this is a system claim of method claim 41. Note the rejection of claim 41 above.

As to claims 47-51, these are system claims of method claims 37-41. Note the rejections of claims 37-41 respectively for capturing the time based stream of information from the information source.

As to claims 52-56, these are program product claims of system claims 47-51. Note the rejections of claims 47-51 above respectively.

As to claim 57, this is a method claim of system claim 42. Note the rejection of claim 42 above, and Klingler also teaches (C) presenting an edit output on the viewing portion of the display during an edit mode (figs. 9-11).

As to claims 58, this is a method claim of system claim 51. Note the rejection of claim 51 above.

As to claim 59, this is a method claim of program product claim 32. Note the rejection of claim 32 above.

As to claim 60, this is a method claim of system claim 25. Note the rejection of claim 25 above.

As to claim 61, this is a system claim to generate a presentation of a time based stream of information of system claim 42 combined with method claim 57. Note the rejections of claims 42 and 57 above.

As to claims 62-64, these are system claims of method claims 58-60. Note the rejections of claims 58-60 above respectively.

As to claims 65-68, these are system claims of method claims 57-60. Note the rejections of claims 57-60 above respectively.

As to claims 69-72, these are program product claims of system claims 65-68. Note the rejections of claims 65-68 above respectively.

As to claim 73, it is individually similar in scope to claim 57, and therefore rejected under similar rationale.

As to claim 75, Klingler teaches the method of claim 73, wherein the editing window includes a toggle control, element to switch between capture and edit mode within the editing window (toggle, e.g., col. 17 lines 14-29 and figs. 9, 14, and 15).

As to claim 76, it is individually similar in scope to system claim 42, and therefore rejected under similar rationale.

As to claim 77, Klingler teaches the system of claim 76, wherein the automatically engage is in response to the detect (the operation generates a revised output, this output can be automatically supplied wherever required as a new input and those operations utilizing the new input can be similarly reprocessed, col. 5 lines 55-61).

As to claim 78, this is a system claim of claim 75. Note the rejection of claim 75 above.

As to claims 79-81, these are system claims of method claims 73, 75, and 77. Note the rejections of claims 73, 77, and 75 above respectively.

As to claims 82-84, these are program product claims of method claims 73, 75, and 77. Note the rejections of claims 73, 77, and 75 above respectively.

Response to Arguments

5.   Applicant's arguments filed in Amendment C have been fully considered but they are not persuasive.

Applicants argued the following:

a.   Klingler does not disclose the <u>capture information is acquired from the information source in the capture mode, and the capture mode to import the time based stream of information into the processing system</u>.

b.   The capture information as claimed is different from the editing operations of Klingler.

c.   Klingler does not disclose the capture information is presented as it is being acquired/imported from an information source.

    d.   Klingler does not disclose that the selected clips which are cut/pasted

simultaneously being acquired and imported into the system.

The Examiner disagrees for the following reasons:

Per (a) & (b), Klingler clearly teaches how to capture information, (which is similar to

what being claimed by Applicant for capturing information as acquiring/importing from an

information source), by copying/cutting and pasting a selected clip with its time line and other

information for editing in a different display, and Editing a media (sound, video or both) with its

timeline of the current selection from the current movie and places it in the clipboard, "Copy"

which places a duplicate of the selected media into the clipboard, "Paste" which places media

from the clipboard into a movie at the current location of the cursor (e.g., col. 2 lines 42-65, col.

7 lines 10-14, col. 10 lines 24-43, and fig. 16); and Applicant's arguments fail to comply with 37

CFR 1.111(b) because they amount to a general allegation that the claims define a patentable

invention without specifically pointing out how the language of the claims patentably

distinguishes them from the references.

Per (c), acquiring/importing from information source is similar to copying/cutting and

pasting a selected clip with its time line and other information for editing in a different display,

and Editing a media (sound, video or both) with its timeline of the current selection from the

current movie and places it in the clipboard, "Copy" which places a duplicate of the selected

media into the clipboard, "Paste" which places media from the clipboard into a movie at the

current location of the cursor (e.g., col. 2 lines 42-65, col. 7 lines 10-14, col. 10 lines 24-43, and

fig. 16).

Per (d), claim language does not show the selected clips <u>simultaneously</u> being acquired

and imported into the system.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753, and

starting October 2004, a new telephone number will be 571-272-4134. The examiner can

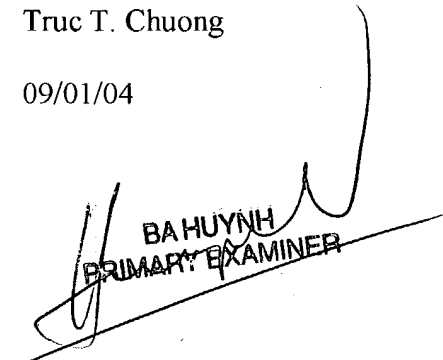normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather R. Herndon can be reached on 703-308-5186, and starting October 2004, a

new telephone number will be 571-272-4136. The fax phone number for the organization where

this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

09/01/04

BA HUYNH
PRIMARY EXAMINER